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IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

APPLICATION OF
MARTIN G. REIFFIN)

FILED: APRIL 3, 1985)

FOR : COMPUTER SYSTEM WITH
REAL-TIME CODE PROCESSING)

SERIAL NO. 719,507)

ART UNIT 232

EXAMINER. T. LEE

APPELLANT'S SUPPLEMENTAL REPLY

This is appellant's supplemental reply to the Supplemental Examiner's Answer mailed November 1, 1989.

The purpose of this supplemental reply is to call the Board's attention to the Examiner's recent reversal of his reliance upon the contentions alleged in the Supplemental Examiner's Answer, and to submit in this appeal the affidavit which persuaded the Examiner to reverse his position.

More specifically, Paragraphs 2 to 17 inclusive of the Supplemental Examiner's Answer are, except for numbering, verbatim copies of Paragraphs 16 to 31 inclusive of the final rejection mailed June 29, 1989 in appellant's parent application Serial No. 425,612 filed September 28, 1982.


After copying these paragraphs from the final rejection of the parent application into the Supplemental Examiner's Answer in the present appeal, the Examiner read the AFFIDAVIT OF LAWRENCE OPPENHEIM filed September 25, 1989 in the parent application. He then entered in the parent case a Notice of Allowability on January 5, 1990 which stated on Page 3, Paragraph 3:

"The affidavit under 37 CFR 1.132 filed 9/25/1989 is sufficient to overcome the rejection of claims 38, 40, 42-43, 48-50, 55-57, 64, 66 and 68 based upon Lawrence, Maddock, and Atkinson."

The Oppenheim affidavit refuted the identical contentions which constitute the entire substance of the Supplemental Examiner's Answer in the present appeal. Since the Oppenheim affidavit persuaded the Examiner to reverse his position, it is submitted that the affidavit should be dispositive of all of the issues raised in the Supplemental Examiner's Answer, and therefore determinative of this appeal.

A copy of the AFFIDAVIT OF LAWRENCE OPPENHEIM filed in said parent application is attached hereto for consideration by the Board in this appeal.

Respectfully submitted,



March 22, 1990

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